

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DERRICK W. KNAPIK,

Defendant.

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CASE NO. 5:17-cr-00171

OPINION & ORDER
[Resolving Doc. [29](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendant Derrick W. Knapik requests a reduced sentence under the compassionate release statute, 18 U.S.C. § 3582.¹ The Government opposes.²

For the following reasons, the Court **DENIES** Knapik's motion.

I. Background

On September 8, 2017, Knapik pleaded guilty to one count of felon in possession of a firearm.³ On October 17, 2017, this Court sentenced Knapik to 84 months of incarceration and three years of supervised release.⁴ Knapik is scheduled for release in 2023.⁵

II. Discussion

On March 2, 2021, Knapik moved for compassionate release.⁶ Knapik seeks a sentence reduction due to COVID-19 prison conditions, including lockdowns, increased isolation, and suspended programming.⁷

¹ Doc. [29](#).

² Doc. [30](#).

³ Doc. [21](#).

⁴ Doc. [28](#).

⁵ Doc. [29](#).

⁶ *Id.*

⁷ *Id.*

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The Government opposes.⁸ The Government argues Knapik has not met the statutory exhaustion requirements, has not established any extraordinary and compelling reasons warrant release, and that the § 3553 sentencing factors do not support early release.⁹

A. Exhaustion

The Court may modify a defendant's sentence upon a motion from the defendant if the defendant filed the motion thirty or more days after the defendant sent a compassionate release request to their warden.¹⁰

In his motion, Knapik does not establish that he asked the USP Tucson warden for a sentence reduction. Further, the Government verified with the Bureau of Prisons that Knapik has not sent a compassionate release request to his warden.¹¹

Because Knapik has not satisfied the statutory exhaustion requirement, the Court denies Knapik's compassionate release motion.

B. Eligibility

Even if Knapik had satisfied the exhaustion requirement, the Court would still deny Knapik's motion.

Generally, to grant compassionate release, a court must: (1) "find that extraordinary and compelling reasons warrant [a sentence] reduction,"¹² (2) "ensure that such a reduction

⁸ Doc. [30](#).

⁹ *Id.*

¹⁰ [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#); *see also United States v. Alam*, 960 F.3d 831, 834–35 (6th Cir. 2020).

¹¹ Doc. [30-1](#).

¹² "[I]n the absence of an applicable policy statement for inmate-filed compassionate-release motions, district courts have discretion to define 'extraordinary and compelling' on their own initiative." [U.S. v. Elias](#), – F.3d –, No. 20-3654, 2021 WL 50169, *2 (6th Cir. Jan. 6, 2021).

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is consistent with applicable policy statements issued by the Sentencing Commission,” and (3) “consider[] all relevant sentencing factors listed in 18 U.S.C. § 3553(a).”¹³

However, there are presently no applicable Sentencing Commission policy statements for inmate-filed compassionate release motions.¹⁴ Therefore, in cases, as here, where an inmate files a motion on their own behalf, the court “may skip step two.”¹⁵

Knapik has not cited any medical conditions or other circumstances that persuade the Court that extraordinary and compelling reasons warrant early release. Moreover, as the Government argues, the § 3553 sentencing factors do not support compassionate release. Knapik is a serial drug trafficking offender.¹⁶ While no one offense has been especially serious, Knapik’s history as a repeat offender weigh against a sentence reduction.

III. Conclusion

Because Defendant Knapik has not satisfied the statutory exhaustion requirement, the Court DENIES Knapik’s compassionate release motion.

IT IS SO ORDERED.

Dated: June 1, 2021

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

¹³ [Elias, 2021 WL 50169 at *2](#). (citing [U.S. v. Jones, 980 F.3d 1098, 1111 \(6th Cir. 2020\)](#) (citing [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#))) (internal quotation marks omitted).

¹⁴ See *id.* (“[U.S.S.G.] § 1B1.13 is not an applicable policy statement for compassionate-release motions brought directly by inmates, and so district courts need not consider it when ruling on those motions.”); [Jones, 980 F.3d at 1108](#) (stating that “[t]he Commission’s policy statement on compassionate release resides in U.S.S.G. § 1B1.13” but explaining that “§ 1B1.13 does not ‘appl[y]’ to cases where an imprisoned person files a motion for compassionate release.”).

¹⁵ [Jones, 980 F.3d at 1111](#).

¹⁶ Doc. [30](#).